

## **REMARKS**

### **I. Introduction**

Claims 7-14 are pending in the present application. Applicants hereby respectfully request reconsideration in view of the following explanation.

#### **Rejection of Claims 7 -14 under 35 U.S.C. §103(a)**

Claims 7-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,757,268 (“Toffolo”) in view of U.S. Patent No. 6,748,682 (“Sims”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

In support of the rejection of claim 7, the Examiner contends that: (a) Fig. 5 of Toffolo discloses the claimed feature of “providing text information to be output to the driver of the vehicle via the display unit of the driver information system located inside the vehicle, wherein the text information includes at least one information element, the at least one information element being divided into at least two component fields”; and (b) Fig. 2 and col. 3, l. 31-56 of Sims disclose the claimed feature of “wherein text information outputted on the display unit of the driver information system located inside the vehicle includes: a) full representation of the at least one information element if the predetermined display is sufficient for the full representation; and b) the abbreviated equivalent of the at least one of the information body, information prefix and information suffix if the predetermined capacity is insufficient for full representation of the at least one information element.” There is no support for the Examiner’s contentions in the cited portions of Toffolo and Sims, as explained in detail below.

First, the Examiner contends that the “text information” is shown by element 62 in Fig. 5 of Toffolo, (Office Action, p. 2), but the Examiner subsequently contends that “the at least one information element [of the text information] being divided into at least two component fields” is shown by element 22 of Fig. 5, i.e., “Fig. 5(22), shown many component fields.” However, these contentions do not make any sense: element 62 (the alleged “text information”) shown in Fig. 5 of Toffolo is the low fuel warning “EMPTY” (see col. 8, l. 1-4 of Toffolo), which does not have multiple component fields, and the other elements of the display 22 are dials (28, 30 and 32) and the radio tuning information 36, which have absolutely nothing to with the alleged “text information” field 62.

Independent of the above, to the extent the Examiner cites col. 3, l. 31-56 of Sims as disclosing “full representation of the at least one information element if the predetermined display is sufficient for the full representation,” there is no suggestion in the cited portion of Sims that any consideration of the display capacity of the predetermined display is given for the display of “the at least one information element.” In addition, to the extent the Examiner cites the Abstract and Fig. 2, elements 202 and 206 of Sims as teaching the claimed limitation of “the abbreviated equivalent of the at least one of the information body, information prefix and information suffix if the predetermined capacity is insufficient for full representation of

the at least one information element," nothing in the Abstract or Fig. 2 suggests the claimed limitation, i.e., the Abstract doesn't suggest anything about giving consideration to the display capacity of the predetermined display for the display of "the at least one information element," let alone displaying "the abbreviated equivalent of the at least one of the information body, information prefix and information suffix if the predetermined capacity is insufficient for full representation."


For at least the reasons stated above, there is no reasonable basis to support the obviousness rejection. Therefore, claims 7 and 14, as well as dependent claims 8-13, are allowable over Toffolo and Sims. Withdrawal of the obviousness rejection is requested.

**Conclusion**

In view of the foregoing, it is respectfully submitted that pending claims 7-14 are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

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By: SONG LEE for Gerard Messina  
Gerard A. Messina (Reg. No. 35,952)  
One Broadway  
New York, NY 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**